

AMENDED IN ASSEMBLY AUGUST 29, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE APRIL 25, 2013

Senate Joint Resolution

No. 9

Introduced by Senators Huff, Anderson, Berryhill, Cannella, Emmerson, Fuller, Gaines, Knight, Nielsen, Walters, and Wyland
(Coauthors: Assembly Members Achadjian, Allen, Bigelow, Chávez, Conway, Dahle, Beth Gaines, Hagman, Harkey, Linder, Maienschein, Mansoor, Melendez, Nestande, Olsen, Patterson, Wagner, and Wilk)

March 21, 2013

Senate Joint Resolution No. 9—Relative to the Startup Act 3.0.

LEGISLATIVE COUNSEL'S DIGEST

SJR 9, as amended, Huff. Startup Act 3.0.

This measure would ~~call on~~ *urge* the United States Congress to ~~pass~~ and the President to ~~sign the Startup Act 3.0, introduced as S. 310 in the 113th Congress of the United States,~~ *establish new entrepreneur and science, technology, engineering, or mathematics-related visa categories for legal immigrants as part of comprehensive federal immigration reform*, that would, among other things, create an Entrepreneur's Visa for legal immigrants, provide authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree, as specified, to that of aliens conditionally admitted for permanent residence, and eliminate per-country caps for employment-based immigrant visas.

Fiscal committee: no.

1 WHEREAS, The United States is a nation of immigrants, with
2 a long history of welcoming indigents from other nations and
3 giving them a chance at achieving the American Dream; and

4 WHEREAS, Immigrants have formed the backbone of the
5 nation's economy; and

6 WHEREAS, Open economies grow faster than closed ones, and
7 as a beacon of hope, America has historically had an unbeatable
8 advantage over societies that shut immigrants out, or stifled their
9 creative and innovative spirit; and

10 WHEREAS, The United States economy has been enriched by
11 the innovative and entrepreneurial spirit of immigrants from around
12 the world; and

13 WHEREAS, According to the Kauffman Foundation on
14 Entrepreneurship, of the current Fortune 500 companies, including
15 Apple, Google, and eBay, more than 40 percent were founded by
16 first- or second-generation Americans, and these companies employ
17 more than 10 million people; and

18 WHEREAS, Foreign nationals residing in the United States
19 were named as inventors or coinventors in one-quarter of all patent
20 applications filed in 2006; and

21 WHEREAS, Fifty-two percent of Silicon Valley startups
22 between 1995 and 2005 were founded or cofounded by immigrants,
23 generating \$52 billion in revenues and employing 450,000 workers;
24 and

25 WHEREAS, In the past seven years, the national rate of startups
26 by immigrants has dropped to 42 percent according to scholars at
27 Harvard and Duke Universities; and

28 WHEREAS, The number of foreign nationals with advanced
29 degrees awaiting permanent-resident status in the United States
30 has grown to over one million in the past several years; and

31 WHEREAS, Under current law, only around 120,000 visas are
32 available annually for skilled workers in key employment
33 categories and only 7 percent of these visas can be allocated to
34 immigrants from any one country. So immigrants from countries
35 with large populations, like India and China, which are the source
36 of the vast majority of startups in the United States, have access
37 to only 8,400 visas per year; and

38 WHEREAS, The result of this policy is that many of these highly
39 skilled immigrants must wait more than a decade for visas; and

WHEREAS, Many of these highly skilled innovators are deciding instead to return home, or immigrate to other countries that welcome them with open arms, such as Singapore, Canada, Dubai, Australia, the United Kingdom, and Chile. As a result, these innovators are founding companies in these other countries and competing with American companies for market share; and

WHEREAS, The issue of illegal immigration has taken on national prominence in recent years and the resolution of the broader issue should be the result of bipartisan efforts; and

~~WHEREAS, The resolution of the broader issue should not get in the way of resolving legal immigration issues as they relate to highly skilled workers who are critical to the continued success of the nation; and~~

WHEREAS, United States Senators Jerry Moran (R-Kansas), Mark Warner (D-Virginia), Chris Coons (D-Delaware), and Roy Blunt (R-Missouri) have introduced S. 310, *and United States House Representatives Michael Grimm (R-New York), Loretta Sanchez (D-California), and others have introduced H.R. 714* in the 113th Congress of the United States, *and this legislation is known as the Startup Act 3.0, to ensure that the United States has the chance to look forward and build the kind of innovation-based economy that will help future generations compete in the global marketplace 3.0; and*

WHEREAS, Entrepreneurs and highly skilled workers can contribute to the continued success of the nation and further the development of an innovation-based economy that will help future generations compete in the global marketplace; and

~~WHEREAS, The Startup Act 3.0 includes, among other things, the following important provisions to stem the reverse brain drain: There has been bipartisan support in Congress for proposed changes to immigration law seeking to create new jobs and drive economic growth, such as:~~

~~(1) Creates Creation of an Entrepreneur's Visa for up to 75,000 legal immigrants, so they can remain immigrants who start up new businesses to create jobs in the United States and launch businesses to create jobs with a path to permanent residency if their businesses continue to hire more workers.~~

~~(2) Provides authorization Authorization to adjust the status of not more than 50,000 aliens who have earned a master's degree or a doctorate degree at an American institution of higher education~~

1 in a STEM field (science, technology, engineering, or mathematics)
2 to that of aliens conditionally admitted for permanent residence
3 to remain in this country ~~where their talents and ideas can fuel~~
4 ~~growth and create jobs.~~

5 (3) ~~Eliminates the~~ *Elimination of* per-country caps for
6 employment-based immigrant visas, ~~which hinder United States~~
7 ~~employers from recruiting top-tier talent visas~~; now, therefore, be
8 it

9 *Resolved by the Senate and the Assembly of the State of*
10 *California, jointly, That the Legislature memorialize urge the*
11 *United States Congress to pass and the President to sign the Startup*
12 ~~*Act 3.0 into law*~~ *establish new entrepreneur and STEM-related*
13 *visa categories for legal immigrants as part of comprehensive*
14 *federal immigration reform*; and be it further

15 *Resolved, That the Secretary of the Senate transmit copies of*
16 *this resolution to the President and Vice President of the United*
17 *States, to the Speaker of the House of Representatives, to the*
18 *Majority Leader of the Senate, and to each Senator and*
19 *Representative from California in the Congress of the United*
20 *States.*